

**REMARKS/ARGUMENTS**

Claims 1-10 are currently pending in this application, and claims 2-5 have been withdrawn. Claims 1, and 6-10 have been amended. New claims 11-12 have been added. Reconsideration is respectfully requested in light of the foregoing amendments and the following remarks.

**Claim Objections**

Claim 1 has been objected to because of certain informalities as set forth in the office action. Applicants have amended claim 1 as set forth above to provide the required appropriate correction.

**Claim Rejections - 35 USC §112**

Claim 8 was rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite in connection with the limitation "multiple-phase weaving machine." Claim 8 has been amended as set forth above to address this rejection.

**Claim Rejections over the Cited References**

Claims 1 and 6 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Weiland (US 4807450). Applicants respectfully disagree and submit that Weiland does not disclose every element of claim 1. For example, Weiland fails to disclose a resonator body being designed in such a manner that the excitation means produce resonant structural sound oscillations in the resonator body, as is recited by claim 1. The "resonator body" of Weiland is referred to as the sinker-formed support element, and the Weiland support element is connected to a vibratory element 15. In addition, the Weiland reference only discloses vibrations, and not resonant structural sound oscillations in the resonator body, as is recited by claim 1.

Furthermore, the Weiland support element has two functions, namely: (a) the weft threads are provided with a forward motion (e.g., see col. 3, line 30) and (b) the weft threads are thrown upwardly so that tension caused by dragging threads over a support surface is substantially reduced. Applicants respectfully submit that in Weiland, tension is used in the context where threads are sticking together and therefore dragging over the support surface. Due

to the friction the threads are trailing, such that a breaking force is acting on the threads. Due to this breaking force, the threads are subjected to a tensile stress. When this tensile stress becomes larger than the friction, that is the friction force holding the threads back, an uncontrolled forward snap (or rapid movement) results. Thus in Weiland, by the application of a vibratory movement, the threads have less contact with the support surface and are isolated from the neighboring threads, such that the frictional forces are reduced; since the forward movement of any thread is under such controlled conditions. So, Weiland is related to the forward movement of a sequence of threads, which are to be placed in a parallel arrangement with each other - which is necessary for the subsequent knitting step.

In contrast, the tension to which the presently claimed thread carrying apparatus is subjected to is distinguishable from the tension that Weiland is referring to. For example, see the original disclosure at page 9, where it states:

***"Therefore, in the guiding of the thread over the thread carrying element no undesirable pulsating or temporally and/or spatially varying mechanical tensions arise in the thread. This means that the thread can be guided completely uniformly over the thread carrying element with minimum friction, which is, for example, of particular importance in the drawing off of a weft.***

In the presently claimed thread carrying apparatus, the single thread itself is subjected to tension by a tensile force acting in the direction of axis of the thread. While in Weiland, the frictional force causing a tension in the thread is acting in direction normal (perpendicular) with respect to the thread axis. In the presently claimed thread carrying apparatus, the tensile force can lead to a breaking of the thread itself. Such a consequence is not conceivable in Weiland's arrangement - the direction of the force in the presently claimed thread carrying apparatus clearly differs from the direction of the force on the thread in Weiland. Therefore, Applicants respectfully submit that the problem faced by and the solution thereto in

the present invention is distinctly different from the problem underlying Weiland's improved knitting machine.

Claim 10 has been rejected under 35 U.S.C. 103(a) as allegedly being obvious over Weiland as applied to claim 1, and further in view Lincke (US 4,744,394). Applicants respectfully disagree and submit that the deficiencies of Weiland as applied to claim 1, are not overcome by the Lincke reference for the following reasons. Applicants respectfully submit that Lincke does not solve any problems related to the reduction of tensile force in a thread or yarn. At least for this reason, Applicants submit that a hypothetical combination as proposed by the office action would not render claim 10 obvious. Furthermore, the magnetic inserts in the Lincke drum function as bearings, and thus Applicants respectfully submit that the Lincke reference and its thread drum and magnetic inserts do not induce a vibratory movement or disclose or suggest a resonator body being designed in such a manner that the excitation means produce resonant structural sound oscillations in the resonator body, as is recited by claim 1.

However, in order to further the prosecution of the presently pending claims, and to place this application in condition for allowance, Applicants are amending the claims without prejudice, as Applicants intend to pursue the scope of protection afforded by the previously examined claims in appropriate continuation and/or divisional applications.

**Allowable Subject Matter**

Claims 7 and 9 have been found allowable if rewritten in independent from including all of the elements of their base claim and any intervening claims.

In order to further the prosecution of the presently pending claims and to place the claims in condition for allowance, Applicants have amended claim 1 as set forth above so it now includes the elements of claim 7; and have amended claim 9 so now it depends from allowable claims 1 or 8.

Claim 8 has been found allowable if rewritten to overcome the section 112, second paragraph rejection and to include all the elements of its base claim. In order to further the prosecution of the presently pending claims and to place the claims in condition for

allowance, Applicants have amended claim 8 as set forth above so it now includes the elements of its base claim 1.

**New Claims**

In order to provide an adequate level of protection for the present invention, Applicants have added new dependent claims 11 and 12.

Dependent claims 11-12, as well as claims 6 and 10 add further distinguishing features of particular utility. In addition, these claims are dependent upon allowable claims and incorporate all the elements of the allowable claims and thus are also patentable at least to the same extent as the above allowable claims.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Babak Kusha  
Reg. No. 51,095

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
Attachments  
BK:fcf  
60867886 v1